
**LEGAL
REQUIREMENTS**

Recipients of benefits under the Family Independence Program (FIP) are required to assign their rights to child, or child/spousal support to the state. When payments are made on an order issued by a court in another state, the Interstate Redirection of Support (IROS) within the Michigan Revised Uniform Reciprocal Enforcement of Support Act (RURESА) provides for redirection and certification of support payments. IROS procedures apply to interstate cases where current payments are made on an existing order.

Interstate Redirection of Support (IROS) provisions are contained in section 31a of RURESА. IROS is an action that files a non-Michigan support order with the clerk of the court in the Michigan county where the custodial parent resides. The jurisdiction or direct payor which is collecting under the order is asked to forward support payments to that county's Friend of the Court for receipting, recording, disbursing and monitoring purposes, as well as for limited enforcement. The purposes of these provisions are to:

- Facilitate the redirection of child support collections to the Family Independence Agency (FIA), when regular payments are being made on a child support order entered by a court in another state, and the dependent children are or have been receiving FIP in Michigan.
- Provide a mechanism in this state to receive, record, disburse and monitor ongoing support payments made on a support order issued by a court in another state, when the obligee of the order is residing in Michigan and has requested the involvement of the Michigan IV-D agency and referral of the case for enforcement action is not necessary (i.e., payments on the order are current).

The purpose of IROS is to facilitate the assignment of support to the state. Since both redirection of support and actions to enforce a foreign order are processed by the FOC, IROS usually precedes enforcement or enforcement and modification procedures under Uniform Interstate Family Support Act (UIFSA). The Support Specialist (SS) refers a case to the FOC for IROS when a payment has been made in the last two months. The SS refers a case to the FOC for enforcement and/or modification under UIFSA if a child support arrearage exists or if the amount due is for review.

Note: IROS and registration of a foreign order under UIFSA may be done simultaneously.

Prior to using the interstate remedies described in this item, the FOC is expected to enforce any Michigan order using available techniques such as:

- liens against property,
- income tax refund offsets, and
- direct income withholding.

IROS PROCEDURES

The SS is required to redirect support payments and certify orders within seven calendar days of determining that the non-custodial parent is in another state. The SS completes and forwards the appropriate forms (listed below) along with a copy of the out-of-state order and statement of arrears to the FOC in the county where the custodial parent resides.

Note: If the above “7 day” time frame cannot be met (e.g., client is unable to provide a copy of the support order and one must be obtained from another state), document the reason for the delay and the action taken to eliminate the cause of this delay.

The out-of-state order is filed by the FOC with the County Clerk. The FOC supplies the SS with the Michigan court case number to be used for completion of the “Support Certification Status Report” and court order association.

The FOC forwards the CSE Transmittal #1, FSA-200-1, and Interstate Redirection and Assignment of Support form, FIA-1459, to the interstate central registry in the state having jurisdiction and enforcement power over the out-of-state order. If it is a direct pay situation, the FOC forwards the Noncustodial Parent Payment Letter, FIA-1402, and Interstate Redirection and Assignment of Support form to the non-custodial parent. All payments should then be transmitted to the Michigan FOC for receipting, recording, disbursing and monitoring.

Once this action has been completed, the SS certifies and decertifies IROS cases in the same manner as those cases having a Michigan order. An IROS order must remain certified as long as FIP is active or unless superseded by a newly registered or modified UIFSA order directing payments to a Michigan FOC. If that occurs, the SS **decertifies** the IROS and **certifies** the UIFSA order.

The standard IROS process (there may be some variance due to local plans) is as follows:

1. The SS interviews the client:
 - To determine if payments have been made in the last two months;
 - To obtain a copy of each child support order (does not need to be certified) and if not available, requests a certified copy from the issuing court;

- To complete and have the client sign FIA-1459, Interstate Redirection of Support (exhibit Item 305X4), and the FIA-1402, Non-Custodial Parent Payment Letter (exhibit Item 305X5), if client receives direct payments.
2. SS completes the FSA 200-1, Child Support Enforcement Transmittal #1 -- Initial Referral (except for the Michigan docket number). See exhibit Item 300X1.
 3. The SS refers all of the following to the FOC:
 - Court Action Referral Form,
 - Copy of the order(s);
 - FIA-1459;
 - FSA-200-1 if support is paid through a collecting agency and FOC, under local plan, completes action with the collecting state, or
 - FIA -1402 if direct pay, and FOC, under local plan, completes the IROS action with the payer.
 4. FOC files a copy of the support order with the Clerk of the Circuit Court and obtains a local circuit court file number for the matter (obtains Michigan docket number with "DF" suffix).
 5. FOC records the Michigan docket number on and signs the FIA-1459 and returns copies of Court Action Referral, FIA-1459 or FIA-1402 to the Support Specialist.
 6. The FOC or SS, depending on local plan, sends the Interstate Redirection of Support documents to the appropriate agency or individual within 15 days of receipt of IROS packet.
 - a) Send the following documents to the state central registry for the jurisdiction which holds the original order:
 - FSA 200-1, Child Support Enforcement Transmittal #1 - Initial Request;
 - FIA-1459, Interstate Redirection and Assignment of Support.
 - b) When payment is ordered to be paid directly to obligee by the obligor, send the following documents directly to the obligor in the support order:
 - FIA-1402, Noncustodial Parent Payment Letter;

- FIA-1459, Interstate Redirection and Assignment of Support.

7. FOC establishes an account to receive payments, according to existing policy and local procedures.

Note: Account opening date should be the effective date of the original order (so that any arrearage collections received by the FOC subsequent to the initial Interstate Redirection of Support can be properly processed and credited). If a collection history for the case is not available at the date of filing the order with the court clerk, a copy should be requested of the original jurisdiction and the account adjusted to reflect any new information. If an arrearage sufficient to qualify the case for formal interstate enforcement action is identified, the case should be referred for that action.

8. The SS associates the “DF” order to the case and certifies, if active FIP.
9. FOC receives, records, and disburses collections received on the established account. FOC monitors collections received on the case in accordance with existing Michigan IV-D policy and local procedures. If the FOC determines that collections have ceased or have fallen into arrears, notify the SS to initiate formal enforcement action.

Note: The Interstate Redirection of Support order (original order filed with the court clerk) should remain in place even when an order resulting from the formal interstate action is obtained.

10. If UIFSA enforcement is not initiated, the SS reviews collections every six months and initiates UIFSA enforcement action if payments are not current.

Note: While the out-of-state order need not be a certified copy for IROS purposes, it must be a certified copy for enforcement action in any state which did not issue the order. A sworn statement of arrears is also required for enforcement action. A request to another state for a court order or payment information should ask for a certified copy of the order and a sworn statement of arrears.

11. If, subsequent to the initial redirection of support, it is determined that the obligor of the support order has moved from the jurisdiction of the court that issued the original order, other interstate remedies must be considered under UIFSA; and, recommended by either the SS or the FOC, whichever is appropriate.
12. The case is terminated when criteria in combined IV-D Manual Item 130, “Closure”, are met.

**Client Request of
IROS Dismissal**

At the time of FIP closure and decertification, the custodial parent may request that the IROS action be dismissed. Such requests should be discouraged as it can result in delays in the redirection of support to the client as well as eliminating the collection monitoring and referral point in Michigan. SS refers the client to the FOC if termination of the IROS action is requested.

Non-FIP Cases

Use of IROS in non-FIP cases is optional. If a custodial parent requests IROS in a non-FIP case, the SS handles the Non-FIP cases in the same manner as previously described; but, there is no need to certify the case after the FOC files the out-of-state order with the County Clerk.

LEGAL BASE

MCL 780.181a

MCL 552.1101-552.1901

45 CFR 301.1, 302.32, 303.6